

**Enrolled Minutes of the Seventh-Sixth Regular Meeting
For the Twenty-Sixth Highland Town Council
Monday, January 17, 2011**

Study Session. The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, January 17, 2011 at 6:30 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Mark Herak, Brian Novak and Konnie Kuiper were present. Councilor Dan Vassar was absent owing to a work commitment. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

General Substance of Matters Discussed.

1. The Town Council discussed the imminent agenda of the regular meeting.
2. The Town Council discussed the possibility of doing legislative appointments for the Park and Recreation Board, the Town Board of Metropolitan Police Commissioners and Redevelopment Commission. It was noted that the appointments were provided for on the agenda.

The study session ended at 6:59 O'clock p.m.

Regular Meeting. The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, January 17, 2011 at 7:00 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Council President Brian Novak, presided and the Town Clerk-Treasurer was present to memorialize the proceedings. The meeting was opened with Councilor Dan Vassar reciting the Pledge of Allegiance to the Flag of the United States of America and offering a prayer.

Roll Call: Present on roll call were Council Members Bernie Zemen, Mark Herak, Dan Vassar, Brian Novak, and Konnie Kuiper. The Town Clerk-Treasurer Michael Griffin was present. A quorum was attained.

Additional Officials Present: Rhett Tauber, Town Council Attorney; John M. Bach, Public Works Director; Peter T. Hojnicky, Metropolitan Police Chief; Kenneth J. Mika, Building Commissioner; William R. Timmer, CFOD, Fire Chief; Alex M. Brown, CPRP, Parks and Recreation Superintendent; and Cecile Petro, Redevelopment Director were present.

Also Present: Helen Fross, President of the VFW Auxiliary 1st District Indiana; Marion Theil, Patriotic Instructor and James Thiel, her spouse, were also present.

Minutes of the Previous Session

The minutes of the regular meeting of 03 January 2011 and the special meeting of January 10, 2011, were approved by general consent.

Special Orders:

1. **Public Hearing:** Proposed Additional Appropriations in Excess of the 2011 Budget
Municipal Cumulative Street Fund in the amount of \$25,000.00, in the Innkeeper Tax

Fund in the amount of \$5,700 and in the General Improvement Fund in the amount of \$41,359.

(a) Attorney verification of Proofs of Publication: The Town Attorney verified that the proof of publication complied with IC 5-3-1. (The TIMES 07 January 2011.)

(b) **Public Hearing.** The Town Council President called the public hearing to order. There were no comments written or spoken and the hearing was closed.

(c) Action on **Appropriation Enactment No. 2011-04:** An Enactment Appropriating Additional Moneys in Excess of the 2011 **Municipal Cumulative Street Fund in the amount of \$25,000.00, in the Innkeeper Tax Fund in the amount of \$5,700** and in the **General Improvement Fund in the amount of \$41,359.**

Councilor Herak introduced and moved the consideration at the same meeting of introduction of Enactment No. 2011-04. Councilor Vassar seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment could be considered at the same meeting of its introduction.

Councilor Herak moved the passage and adoption at the same meeting of introduction of Enactment No. 2011-04. Councilor Kuiper seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment was adopted at the same meeting of its introduction.

**Town of Highland
Appropriation Enactment
Enactment No. 2011-04**

AN ENACTMENT APPROPRIATING ADDITIONAL MONEYS IN EXCESS OF THE ANNUAL BUDGET for the MUNICIPAL CUMULATIVE STREET FUND, INNKEEPER TAX FUND, and the GENERAL IMPROVEMENT FUND PURSUANT TO I.C. 6-1.1-18, I.C. 36-5-3-5, ET SEQ.

WHEREAS, Following a public hearing advertised pursuant to I.C. 5-3-1, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget for the **Municipal Cumulative Street Fund, Innkeeper Tax Fund, and the General Improvement Fund;**

WHEREAS, It has been determined that such additional appropriations as may be approved by this enactment, will not increase the levies set under I.C. 6-1.1-17, all pursuant to I.C. 36-5-3-5;

NOW, THEREFORE BE IT ENACTED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Municipal Cumulative Street Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

MUNICIPAL CUMULATIVE STREET FUND

Acct. No. 390.10 Construction Reconstruction Sidewalks:	\$ 25,000.00
<i>Total Series:</i>	\$ 25,000.00
Total for Fund:	<u>\$ 25,000.00</u>

Section 2. That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Innkeeper Tax Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

INNKEEPER TAX FUND:

Account No. 220.08 Banners, Semaphores	\$ 2,700.00
Account No. 220.09 Holiday Decorations & Supplies	<u>\$ 2,000.00</u>
<i>Total 200 Series:</i>	\$ 4,700.00
 Account No. 390.14 Visitors Grants & Subsidies	 <u>\$ 1,000.00</u>
<i>Total 300 Series:</i>	 \$ 1,000.00
Total for Fund:	<u>\$ 5,700.00</u>

Section 3. That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **General Improvement Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

GENERAL IMPROVEMENT FUND:

Acct. No. 3XX.XX Record/Releasing Liens:		\$ 3,000.00
	Total Series:	\$ 3,000.00
Acct. No. 4XX.XX Idlewild Reconst. Proj. Curbs		\$ 32,479.00
Acct. No. 4XX.XX Idlewild Reconst. Proj. Sidewalks		\$ 5,880.00
	Total Series:	\$ 38,359.00
	Total for Fund:	\$ 41,359.00

Section 4. That the aggregate sum of the General Improvement Fund appropriation and all other appropriations to the Fund in the current year do not exceed the equivalent of sixteen and sixty-seven hundredths cents (\$0.1667) on each one hundred dollars (\$100) of net taxable valuation of property in the Municipality, such limitation being in this current year, FY 2011, the estimated amount of One million, eight hundred twenty-seven thousand, four hundred fifty-five dollars (\$1,827,455), all pursuant to the provisions of I.C. 36-9-17-5(c).

Section 5. That the Clerk-Treasurer is hereby authorized and instructed to inform the Department of Local Government Finance of this action and that these moneys be made available for expenditure pursuant to I.C. 6-1.1-18.

Section 6. That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 17th Day of January 2011. Consideration on the same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 17th Day of January 2011, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Brian Novak, President (IC 36-5-2-10)

ATTEST:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

2. **Public Hearing:** Consideration of the Proposed Disposal/Transfer of the Real Parcels located at 3500 Grand Boulevard. *The Town Council authorized this at its meeting of May 11, 2009 by passage and adoption of Resolution No. 2009-23.*
 - (a) Verification of the Proofs of Publication. TIMES: 23 May 2009. The Town Attorney verified that the proof of publication was in compliance with IC 5-3-1.
 - (b) Public Hearing and Comment. The Town Council President called the public hearing to order. The following comment was received:
 1. Rick Volbrecht, 9221 Parkway Drive, Highland, inquired about the appraised values of the properties. It was noted that the Highland parcel was valued at \$5,900 and Mr. Spoljoric's property was valued at \$5,500.

There were no further comments written or spoken.

(c) Consideration of **Resolution No. 2011-03:** A Resolution Approving the Disposal and Transfer of Property Agreement and Directing the Public Works Director as Disposing Agent to act, pursuant to IC 36-1-11 *et seq.*

Councilor Herak moved and Councilor Kuiper seconded the passage and adoption of Resolution No. 2001-03. Upon a roll call vote, there were five affirmatives and no negatives, the motion passed. The resolution was adopted.

**RESOLUTION 2011-03
AUTHORIZING AND APPROVING
AN AGREEMENT BETWEEN
THE TOWN OF HIGHLAND AND
DANIEL S. SPOLJORIC CONCERNING THE
EXCHANGE OF REAL ESTATE**

WHEREAS, the Town of Highland, Lake County, Indiana (the "Town"), and Daniel S. Spoljoric (the "Spoljoric"), have entered into certain negotiations and discussions with regard to the exchange of real estate owned respectively by the parties; and

WHEREAS, the Town now finds that it would be in the best interest of the respective users, citizens, and taxpayers of the Town to authorize and approve the exchange of real estate with Spoljoric pursuant to I.C. 36-1-11-7, which is the relevant Indiana statute authorizing the same.

NOW, THEREFORE, BE IT RESOLVED, by the Town, as follows:

1. That the Agreement to Exchange and Real Estate between the Town and Spoljoric, a copy of which is attached hereto and made a part hereof and marked as Exhibit "A" (the "Agreement"), be and the same is hereby ratified and approved.
2. That the President of the Town Council and the Clerk-Treasurer be, and they are hereby authorized and direct to execute said Agreement and to do all things that are necessary and reasonable to carry into effect said Agreement, including, but without limiting the generality thereof, to execute Warranty Deeds referred to in said Agreement for and on behalf of the Town and in all other regards to carry into effect said Agreement.

DULY RESOLVED AND ADOPTED this 17th day of January, 2011, by the Town Council for the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL OF THE TOWN OF
HIGHLAND, INDIANA**

By: _____

BRIAN J. NOVAK, President

ATTEST:

By:

MICHAEL W. GRIFFIN, IAMC/MMC/CPFA
Clerk-Treasurer

Exhibit on file

3. **Special Presentation:** An Appreciation of **Mark A. Herak** for service as the 58th President of the Legislative Body. President Novak presented a plaque to Councilor Herak for his service as the 58th Town Council President, and thanked him for his service. Councilor Herak expressed his appreciation for the opportunity to serve especially during the centennial of the Town's incorporation.
4. Special Presentation: VFW Ladies Auxiliary Special Recognition. The VFW Auxiliary First District President joined by the other VFW representatives presented a Flag flown over the United States Capital, on November 4, 2010, at the request of U.S. Senator Richard Lugar, and offered a citation commending Mr. Herak for his patriotism. Councilor Herak thanked the VFW for the honor.

Staff Reports: The Council received the following reports as information for the record:

• **Building & Inspection Report for December 2010**

Permit Type	Number.	Residential	Commercial	Est. Cost	Fees
Commercial Buildings:	1	0	1	\$537,000.00	\$6,296.50
Commercial Additions or Remodeling:	5	0	5	\$134,232.00	\$1,987.50
Signs:	4	0	4	\$202,857.00	\$3,254.50

Single Family:	0	0	0	\$0.00	\$0.00
Duplex/Condo:	0	0	0	\$0.00	\$0.00
Residential	0	0	0	\$0.00	\$0.00
Additions:					
Residential	24	24	0	\$141,816.00	\$2,954.00
Remodeling:					
Garages:	0	0	0	\$0.00	\$0.00
Sheds:	1	1	0	\$1,600.00	\$144.50
Decks & Porches:	1	1	0	\$6,650.00	\$199.50
Fences	4	4	0	\$4,774.00	\$314.00
Swimming pools:	0	0	0		\$0.00
Drain Tile	1	1	0	\$7,200.00	\$150.00
/Waterproofing					
Misc.	3	1	2	\$500.00	\$501.00
Total:	44	32	12	\$1,036,629.00	\$15,801.50
Electrical Permits	7	6	1		\$606.50
Mechanical Permits	6	5	1		\$556.50
Plumbing Permits	6	3	3		\$1,798.15
Water Meters	0	0	0		\$0.00
Water Taps	0	0	0		\$0.00
Sewer/Storm Taps	1	1	0		\$300.00
Total:	7	4	3		\$2,098.15

December Code Enforcement: 157 warnings issued and 17 citations were issued.

There were 41 building inspections, 13 plumbing inspections, and 19 electrical inspections. There were two (2) electrical exams given.

It was noted that there was no Fire Department report. The December and January reports would be filed at the next meeting.

• **Workplace Safety Report for December 2010**

There were two incidents in December. The following incident summary was filed:

Department	Injuries this Month	Year to Date 2010	Total in 2009	Restricted Days 2010	Lost Workdays This Year	Restricted Days Last Year (2009)	Lost Workdays Last Year (2009)
Parks	0	2	2	25	3	0	0
Fire	0	2	0	0	0	0	0
Police	0	8	9	39	23	0	0
Street	1	1	4	0	0	0	0
Water & Sewer	0	1	4	88	0	18	82
Maint.	0	1	0	68	0	0	0
Other	1	2	0	0	0	0	0
TOTALS	2	17	19	220	26	18	82

Effective January 1, 2002, OSHA changed the record keeping guidelines. The municipality now counts the number of days lost from the day after the injury until the employee returns to work. Weekend, holidays, vacation days or other days scheduled off are included in the lost days count to a maximum of 180 days.

Appointments:

• **Statutory Boards and Commissions**

Executive Appointments made by Town Council President

Legislative or Fiscal Body Appointments made by Town Council

Executive Appointments

1. **Municipal Plan Commission (1) of (2)** appointments to be made by Town Council President. *(Note: one position is owing to resignation of R. Montgomery)* **(4 year term)** The Town Council President announced his re-appointment of **Mario Martini**, 9428 Erie Street, Highland, to the municipal plan commission.
2. **Advisory Board of Zoning Appeals (1)** appointment to be made by Town Council President. **(4 year term)** The Town Council President announced his re-appointment of **Steve Wagner**, 3244 Maple Drive, Highland, to the advisory board of zoning appeals.
3. **Redevelopment Commission (3)** appointments to be made by Town Council President. **(1 year term)** The Town Council President announced his re-appointment of **Tom G. Crowel**, 10132 White Oak Lane Highland; **Bridget DeYoung**, 2645-37th Street, Highland; and **Michael Maloney**, 8748 Prairie Avenue, Highland to the Highland Redevelopment Commission.
4. **Waterworks Board of Directors: (2)** appointment to be made by Town Council President. **(3 year term)** The Town Council President announced his reappointment of **Keith Bruxvoort**, 9038 Liable Road, Highland; and **George Georgeff**, 2251 Oakdale Avenue, Highland, Indiana to the Board of Waterworks Directors.
3. **Board of Sanitary Commissioners: (1)** appointment to be made by Town Council President. **(4 year term)** The Town Council President announced his reappointment of **Rex Burton**, 2712-40th Place Highland, to the Board of Sanitary Commissioners.

Legislative Appointments

1. **Park and Recreation Board (1)** appointment to be made by Town Council. **(4 year term)**

Councilor Zemen moved to re-appoint **Carlos Aburto**, 9139 Prairie Avenue, Highland, to the Park and Recreation Board. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. Mr. Aburto was reappointed.
2. **Town Board of Metropolitan Police Commissioners (1)** appointment to be made by Town Council. **(3 year term)**

Councilor Kuiper moved to re-appoint **James Turoci**, 8701 Osborne Avenue, Highland, to the Town Board of Metropolitan Police Commissioners. Councilor Herak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. Mr. Turoci was reappointed.
3. **Redevelopment Commission (2)** appointments to be made by Town Council. **(1 year term)**
Councilor Vassar moved to re-appoint **Greg Kuzmar**, 3139 Lakeside Drive, Highland; and **Dominc Noce**, 2930 Condit Avenue, Highland to the Redevelopment Commission. Councilor Herak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. Mr. Kuzmar and Mr. Noce were reappointed.

Unfinished Business and General Orders:

1. **Works Board Order No. 2011-03:** An Order of the Works Board Approving and Authorizing An agreement between Idea Factory, and the Town of Highland to perform Communications Media Design, composition and related professional services in support Thereof. Councilor Kuiper moved and Councilor Zemen seconded the passage and adoption of Works Board Order No. 2011-03. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The Works Board Order was adopted.

The Town of Highland
Board of Works
Order of the Works Board No. 2011-03

AN ORDER AUTHORIZING AND APPROVING AN AGREEMENT BETWEEN THE IDEA FACTORY AND THE TOWN OF HIGHLAND TO PERFORM PROFESSIONAL COMMUNICATIONS AND MEDIA DESIGN AND DEVELOPMENT SERVICES FOR THE MUNICIPALITY

Whereas, The Town of Highland, through its Town Council, which is the Works Board of the Municipality has heretofore determined that a need exists to provide greater information to the public regarding the operations and services of the municipality;

Whereas, The Town has heretofore determined that a need exists to engage professional communications and media design and development services to assist and support the provision of greater information to the public regarding the operations and services of the municipality;

Whereas, Robin A. Carlascio and Theresa K. Badovich, d.b.a The Idea Factory, a media development and design, communication consulting alliance, has proposed to provide professional editorial services to assist and support the provision of greater information to the public regarding the operations and services of the municipality through the development and promulgation of a municipal newsletter;

Whereas, As purchasing agency, the Town Council may purchase services using any procedure it considers appropriate, pursuant to IC 5-22-6-1; and

Whereas, The Highland Municipal Code provides that, the Town Council may make all contracts for professional services on the basis of competence and qualifications for the type of services to be performed, and negotiate compensation that the public agency determines to be reasonable, pursuant to Section §31.62; and

Whereas, There are now or will soon be sufficient and available appropriations balances on hand to support the payments for these services under the agreement, pursuant to IC 5-22-17-3(e); and

Whereas, The Town of Highland, through its Town Council acting as the Works Board now desires to accept and approve the agreement for services as herein described.

Now Therefore be it Ordered by the Town Council of the Town of Highland, Lake County, Indiana;

Section 1. That the agreement (incorporated by reference and made a part of this Order) between **Robin A. Carlascio** and **Theresa K. Badovich** doing business as the **Idea Factory**, and the Town of Highland, provide professional editorial services to assist and support the provision of greater information to the public regarding the operations and services of the municipality through the development and promulgation of a municipal newsletter for the period beginning **1 January 2011 through to 31 December 2011** as described herein is hereby approved, adopted and ratified in each and every respect;

Section 2. That the charges under the agreement for the services, in the amount of **\$1,500 per issue**, which include publishing and coordinate a monthly newsletter to be distributed as an insert in the monthly utility invoice, and other related services are found to be reasonable and fair, all pursuant to IC 5-22-6-1 and Section § 31.62 of the municipal code;

Section 3. That the charges under the terms of the agreement for all the services, will be paid to **The Idea Factory**, after presentation of an invoice for services, following their delivery;

Section 4. That the Town Council President be authorized to execute this agreement under the terms of this order with his signature as attested thereto by the Clerk-Treasurer.

Be it so Ordered.

DULY, PASSED, ADOPTED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 17th day of January 2011 having passed by a vote of 5 in favor and 0 opposed.

**WORKS BOARD of the TOWN of
HIGHLAND, INDIANA**

Brian Novak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

AGREEMENT

This Agreement made and entered into this 17th day of January 2011, by and between the **TOWN OF HIGHLAND, BY AND THROUGH ITS TOWN COUNCIL** (hereinafter referred to as the "Town"), and **ROBIN CARLASCIO and THERESA BADOVICH d/b/a THE IDEA FACTORY** (hereinafter referred to as "Idea Factory").

WITNESSETH THAT:

WHEREAS, the Town is interested engaging the services of Idea Factory for publishing and coordinating a monthly newsletter (Gazebo Express) to be distributed throughout the Town; and

WHEREAS, Idea Factory is interested in entering into such an agreement and engaging its services to publish and coordinate a monthly newsletter within the Town; and

WHEREAS, the parties wish to reduce their agreement to writing;

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, it is agreed as follows:

1. Idea Factory agrees to publish and coordinate a monthly newsletter (Gazebo Express) to be distributed in the Town of Highland.
2. The term of this Agreement shall be for one (1) year beginning January 1, 2011, through December 31, 2011. This Agreement may be renewed by the Town of Highland from year to year based upon approval of the renewal term by the Town at the beginning of each fiscal year.
3. Idea Factory shall be paid for its services rendered pursuant to this Agreement, the sum of \$1,500.00 per issue and the monthly fees shall be payable to The Idea Factory at 2733 – 40th Street, Highland, IN 46322.
4. This Agreement may be cancelled by either party upon such party providing the other party thirty (30) days written notice.
5. In the event the Town's appropriations are insufficient to pay the expenses of this Agreement, and upon thirty (30) days written notice being given by the Town to Idea Factory, this Agreement shall become null and void.
6. This Agreement shall be governed by the laws of the State of Indiana and shall be binding upon the parties' heirs, legal representatives, successors, and assigns.

IN WITNESS WHEREOF, this Agreement has been entered into between the parties this 17th day of January 2011.

TOWN OF HIGHLAND

THE IDEA FACTORY

By: _____
Brian Novak, President

Robin Carlascio

Attest: _____
Michael W. Griffin, Clerk-Treasurer

Theresa Badovich

2. **Proposed Ordinance No. 1486:** An Ordinance Amending the Highland Municipal Code, by amending Section § 32.27, subdivisions A and B Fixing the Standing Plenary Meetings and Study Sessions of the Town Council, pursuant to IC 36-1-3 and IC 36-10-2 et seq. Councilor Herak introduced and moved the consideration at the same meeting of introduction of Ordinance No. 1486. Councilor Kuiper seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance could be considered at this meeting.

Councilor Herak moved the passage and adoption at the same meeting of introduction of Ordinance No. 1486. Councilor Kuiper seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance was adopted at the same meeting of introduction.

**TOWN OF HIGHLAND, INDIANA
ORDINANCE NO. 1486**

AN ORDINANCE AMENDING THE HIGHLAND MUNICIPAL CODE, BY AMENDING SECTION § 32.27, SUBDIVISIONS A AND B FIXING THE STANDING PLENARY MEETINGS OF THE TOWN COUNCIL , PURSUANT TO IC 36-1-3 AND IC 36-10-2 ET SEQ.

WHEREAS, The Town of Highland is a local unit of general government governed by a Town Council, which is both the fiscal and legislative body of the Town;

WHEREAS, IC 36-1-3-2 confers upon all local units the powers that they need for the effective operation of government as to local affairs;

WHEREAS IC 36-1-3-6 (b)(1) prescribes that any such exercise of power shall be authorized through passage of an ordinance passed by the legislative body;

WHEREAS, The Town Council as the governing body for the municipality, may establish and operate a government, pursuant to its general corporate powers conferred in IC 36-1-4-2;

WHEREAS, The Town Council now desires to modify the some provisions of the Highland Municipal Code in order to modify the standing plenary meetings of the legislative body; and,

WHEREAS, The Town Council believes this action to be necessary and desirable for the conduct of the affairs of the Town, and in the public interest, consistent with the powers granted under IC 36-1-3 et seq. and IC 36-10-2 et sequitur;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF HIGHLAND, LAKE COUNTY, INDIANA as follows:

Section 1. That subdivisions (A) and (B) of Section § 32.27 of the Highland Municipal Code is hereby repealed in its entirety to be replaced by a successor subdivisions to be styled as subdivision (A) and (B) of Section § 32.27 (F) which shall read as follows:

§ 30.27 REGULAR MEETINGS.

- (A) Except as otherwise provided herein, the Town Council shall hold regular (plenary) meetings on the ~~first~~ **second** and ~~third~~ **fourth** Monday of each month, which shall begin at 7:00 p.m.
- (B) Except as otherwise provided herein, the Town Council shall hold work study meetings (study sessions) on the ~~second~~ first and ~~fourth~~ **third** Monday of each month, which shall begin at 7:00 p.m. In addition, the Town Council shall hold brief work study sessions before each regular or plenary meeting of the Town Council, beginning at 6:30 p.m. Work study meetings shall be distinguished from plenary meetings as they shall be conducted with less formality and with no votes or final actions of a dispositive nature unless provided otherwise by proper notice, pursuant to IC 5-14-1.5 et seq.

Section 2. Any and all such ordinances in conflict with the provisions of this ordinance, particularly but not limited to Ordinance No. 1451 adopted February 22, 2010, are hereby repealed and of no further force or effect.

Section 3. This ordinance shall become and be in full force and effect *from* **February 1, 2011**, and after its passage and adoption upon its signature by the executive in the manner prescribed by IC 36-5-2-10(a).

Introduced and Filed on the 17th Day of January 2011. Consideration on same day or at same meeting of introduction had a vote of 5 in favor and 0 opposed, all pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 17th Day of January 2011, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Brian Novak, President (IC 36-5-2-10)

ATTEST:

**Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)**

3. **Select or renewal of group Dental Plans.** Current provide, United Health Care (UHC) rates are proposed for renewal at Employee only at \$32.08 and for Employee and dependents at \$93.14 per month; The rates currently are Employee only, \$30.35 per month and Employee and dependents \$88.12. The proposed rates from United Health care represent approximately a 5.7% increase over the 2010 rates. If approved, Brown Insurance Group would be agent of

record. Also, renewal is currently for March 1. The Town Council may wish to authorize a renewal with a January 1 date.

Councilor Herak moved to renew with United Health Care, with Brown Insurance Group as proposed for an effective renewal of March 1, 2011. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The group dental plan was renewed at the rates stated.

4. Authorize the proper officer to publish notice pursuant to IC 5-3-1 for a public hearing on proposed additional appropriations in excess of the 2011 Budget for the Park Non Reverting Capital Fund. Councilor Herak moved to authorize the publication as indicated. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The publication was authorized.

Comments from the Town Council Members
(For the Good of the Order)

- **Councilor Bernie Zemen:** • *Park and Recreation Board Liaison • Town Board of Metropolitan Police Commissioners • Lake County Solid Waste Management District Board of Directors • President's designee to Chair the Select Centennial Commission • Chamber of Commerce, Liaison • Redevelopment Commission Liaison.*

Councilor Zemen recognized the Metropolitan Police Chief who reported that the Metropolitan Police Department conducted sweeps of vehicles featuring out of state license tags.

Councilor Zemen recognized the Parks and Recreation Superintendent who reported on the a recent Special needs Carnival conducted for special needs residents throughout Lake County, through a cooperative initiative of the Highland, Merrillville and Schererville Parks and Recreation Departments.

Councilor Zemen recognized the Redevelopment Director who reported that the Redevelopment Commission would be seeking to modify the current Downtown Allocation Area to withdraw Indianapolis Boulevard corridor from its boundary, with the intention to reinstate it in future redevelopment area that would have a more compatible redevelopment plan.

- **Councilor Mark Herak:** *Budget Committee Chair • Board of Sanitary Commissioners, Liaison • Board of Waterworks Directors, Liaison • Community Events Commission, Liaison.*

Councilor Herak recognized the Public Works Director who reported that the Sanitary District awarded a general contract for the 37th Place Project.

- **Councilor Dan Vassar:** • *Plan Commission member.*

Councilor Vassar recognized the Building Commissioner who offered a cursory survey of matters before the Plan Commission.

- **Councilor Konnie Kuiper:** • *Fire Department, Liaison • Plan Commission member.*
Councilor Kuiper recognized the Fire Chief who commended the Public Works Director for the special training day that was conducted during the Martin Luther King Holiday.
- **Council President Brian Novak:** • *Town Executive • Police Pension Board of Trustees Chair • Advisory Board of Zoning Appeals, Liaison • Traffic Safety Commission Member.*

The Town Council President shared a positive comment he received regarding the quality of the snow removal by the Town of Highland workforces.

With leave from the Town Council, the Clerk-Treasurer also commended and amplified the encomia for the Public Works Director who on his initiative organized and implemented the special workday training in diversity and related skills for the work force on the Martin Luther King Birthday.

Comments from the Public or Visitors

1. Rick Volbrecht, 9221 Parkway Drive, Highland, commented on an article in the TIMES reporting the FY 2009 audit results for the Town of Highland, noting his belief that the article was unfair in its depiction and he further noted that in fact since the journalist who authored the story had not in fact spoken with the clerk-treasurer, but used quotations from the filed response as if he had spoken to the Clerk-Treasurer, he was unhappy with the news account and its unfair treatment of the audit report.

Mr. Volbrecht further inquired about the costs associate with the production of the monthly newsletter. It was noted that the editorial costs were \$1,500 per month. The printing was an additional charge and that postage was only extra in the event of a special edition, adding to the format.

Councilor Vassar commended Robin Carlascio and Theresa Badovich of the Idea Factory for their work on producing the monthly news letter.

Payment of Accounts Payable Vouchers. There being no further comments from the public or visitors, Councilor Kuiper moved to allow the accounts payable vouchers as filed on the pending pay docket, covering the period January 04, 2011 through to January 17, 2011. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The accounts payable vouchers were allowed and the clerk-treasurer was authorized to make payment.

General Fund, \$329,951.32; Motor Vehicle Highway and Street (MVH) Fund, \$69,636.96; VIPs/Public Safety Fund, \$118.74; Forfeited and Seized Assets Fund, \$1,000.00; Law Enforcement Cont. Education and Supply Fund, \$170.95; Insurance Premium Fund, \$128,620.84; Information and Communications Technology Fund, \$20,812.53; Solid Waste District Grant Fund, \$116,075.20; Police Pension Fund, \$125.00; Traffic and Law Violations Agency Fund, \$4,787.00; Sexual Predator Grant Fund, \$2,100.00; Gaming Revenue Sharing Fund, \$17,491.21; Corporation Capital Fund, \$254,718.55; Total: \$945,617.30.

Adjournment. Councilor Kuiper moved that the meeting be adjourned. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The regular meeting of the Town Council of Monday, January 17, 2011 was adjourned at 7:49 O'clock p.m. No study session followed.

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer